

**ADVISORY OPINION 98-6**

February 26, 1998

RE: May electronic mail be used to respond to questions from school children and teachers?

DECISION: Only if agency management determines that such use of electronic mail is a proper use of state resources.

This opinion is in response to your December 4 and December 23, 1997, communication to the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the February 26, 1998, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. You receive electronic mail ("e-mail") from school children and teachers, some who inquire as to your job responsibilities and others who want to be electronic pen-pals. In addition, you have received a type of a chain letter through e-mail from a state employee. You ask whether it is an appropriate use of state equipment and/or resources to respond to either of these communications.

The Commission believes that the proper use of e-mail by public servants is an agency management decision and should be addressed through in-house agency policy. However, if a public servant uses the e-mail to create an advantage for himself, he may be in violation of KRS 11A.020(1)(d) which provides:

(1) No public servant, by himself or through others, shall knowingly:

...

(d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

Although the Commission does not believe that the proper use of e-mail by public servants is a matter under its jurisdiction, it does encourage employees not to misuse state time or equipment for their personal use.